

REMARKS

This application has been carefully reviewed in light of the Office Action dated January 22, 2008. Claims 1, 2 and 6 to 8 remain in the application, with Claims 3, 4 and 5 having been canceled. Claims 1 and 2 are the independent claims. Reconsideration and further examination are respectfully requested.

The drawings were objected to for allegedly not depicting the claimed switching means and first and second recording means. It is respectfully submitted that the switching operation is clearly described at least with regard to paragraph [0068] of the specification, and the recording operations are described with regard to at least paragraph [0069]. Nonetheless, the claims have been amended to be more in line with the drawings and their accompanying description. Reconsideration and withdrawal of the objections to the drawings are respectfully requested.

The title of the invention was objected to. A new title has been provided for herein.

Claim 5 was rejected under 35 U.S.C. § 112, second paragraph. Inasmuch as Claim 5 has been cancelled herein, the rejection is believed to be obviated.

Claims 1 to 4 and 6 were rejected under 35 U.S.C. § 102(b) over U.S. Patent Application Publication No. 2002/0010930 (Shah-Nazaroff), Claims 5 and 7 were rejected under 35 U.S.C. § 103(a) over Shah-Nazaroff in view of U.S. Patent Application Publication No. 2002/0194593 (Tsuchida), and Claim 8 was rejected under 35 U.S.C. § 103(a) over Shah-Nazaroff in view of Tsuchida and further in view of U.S. Patent Application Publication No. 2002/0083442 (Eldering). Reconsideration and withdrawal of the rejections are respectfully requested.

The present invention relates to 1) receiving broadcast data that includes commercial messages, and 2) downloading and viewing streaming data via the internet. In the invention, the broadcast data is continuously received. When a user selects a streaming program to be viewed, the streaming commences and the data is stored in a memory. While the user is viewing the streaming program, when a commercial break or an urgent message break is detected in the broadcast data, the commercial message or urgent message is stored in a memory until a controller switches the decoding process between the streaming data decoding and the broadcast data decoding. The streaming program viewing is then switched to the commercial message viewing. When the end of the commercial message is detected, the broadcast decoding is halted and the program viewing returns to the streaming program.

Referring specifically to the claims, amended independent Claim 1 is directed to a receiving apparatus comprising a first data receiving unit for receiving communication data via the Internet from an external device, a second data receiving unit for receiving broadcast data via a broadcast network from a broadcast station, a decoder for decoding the communication data received by the first data receiving unit and the broadcast data received by the second data receiving unit, using different decoding methods, a memory unit for storing an event program data accompanied with an event message, and a control unit for switching the decoding method executed by the decoder in response to an event message received as the broadcast data, and for controlling the decoder to decode the event program data read from the memory unit so as to display the event program.

Claim 2 is a method claim that substantially corresponds to Claim 1.

The applied art, alone or in any permissible combination, is not seen to disclose or to suggest the features of Claims 1 and 2, and in particular, is not seen to disclose or to suggest at least the features of switching a decoding method executed by a decoder, between decoding communication data received via the Internet and broadcast data received via a broadcast network, in response to an event message received as the broadcast data, and controlling the decoder to decode event program data, which is accompanied with an event, read from a memory so as to display the event program.

Shah-Nazaroff, it is merely seen to disclose an entertainment system that provides commercials that are directed to a viewer's interests. In the publication, an entertainment system 500 receives entertainment programming that includes commercials. A controller 504 controls the output of the programs and commercials. The system builds an interest index for users based on user input so that the index provides an indication of topics of interest to the user. The system simultaneously receives programming from multiple channels, and as is known in the art, multiple channels may simultaneously have commercial breaks. During programming, when a commercial break is encountered in a program, the interest index for the user is utilized to determine which commercial message to provide to the viewer from among the multiple commercial messages being simultaneously broadcast. That is, while the viewer may be watching a program on one channel, when a commercial break is encountered on that channel, the system will determine, based on the interest index of the viewer, whether the commercial being broadcast on the channel being viewed is the appropriate to the particular viewer, or if a different commercial message or a different version of the same commercial message being broadcast on another channel is more appropriate to the viewer. If the system

determines that another commercial message on another channel is more appropriate, then the system switches to the other channel to present the other commercial message. When the end of the commercial break on the original channel being viewed by the viewer is detected, the system switches back to the original channel.

In rejecting the claims, the Office Action appears to rely on paragraph [0037] of Shah-Nazaroff. As this portion of the publication is understood, it merely recites that the entertainment system may include various types of media devices, including a tuner/satellite/cable device, an internet communication interface, and various CD/DVD inputs. However, this system of Shah-Nazaroff merely relates to the input of programs and commercial messages via the tuner. That is, even though the entertainment system may include other types of media sources from which a viewer can watch entertainment programming, the principal invention and disclosure of Shah-Nazaroff relates to detecting commercial messages via the tuner and changing channels of the tuner. In contrast, the present invention switches a decoding method executed by a decoder, between decoding communication data received via the Internet and broadcast data received via a broadcast network, in response to an event message received as the broadcast data, and controlling the decoder to decode event program data, which is accompanied with an event, read from a memory so as to display the event program. These features are not seen to be taught by Shah-Nazaroff.

Tsuchida and Eldering have been studied, but are not seen to teach anything to overcome the foregoing deficiencies of Shah-Nazaroff. In this regard, the foregoing features were essentially claimed previously in Claims 3 and 4 and the Office Action admits that Tsuchida and Eldering fail to teach such features. Thus, the proposed

combination fails to teach the features of switching a decoding method executed by a decoder, between decoding communication data received via the Internet and broadcast data received via a broadcast network, in response to an event message received as the broadcast data, and controlling the decoder to decode event program data, which is accompanied with an event, read from a memory so as to display the event program.

In view of the foregoing amendments and remarks, amended independent Claims 1 and 2, as well as the claims dependent therefrom, are believed to be allowable.

No other matters having been raised, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Edward Kmett/

Edward A. Kmett
Attorney for Applicants
Registration No.: 42,746

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

FCHS_WS 2101953v1